

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO MONTOYA-AMEZCUA,

Defendant.

8:23CR73

**PRELIMINARY ORDER
OF FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 38). The Court has carefully reviewed the record in this case and finds as follows:

1. On December 1, 2023, defendant Fernando Montoya-Amezcuca ("Montoya-Amezcuca") pleaded guilty to Count I of the Indictment (Filing No. 16) and admitted the Forfeiture Allegation. Count I charged Montoya-Amezcuca with possession with intent to distribute methamphetamine; in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1).

2. The Forfeiture Allegation sought forfeiture, pursuant to 21 U.S.C. § 853, of \$84,525 seized from the Montoya-Amezcuca's residence on or about March 14, 2023, and \$62,700 seized from Montoya-Amezcuca's vehicle on or about March 14, 2023, totaling \$147,225 in United States currency, on the basis that it was (a) used to facilitate the offense charged in the Indictment or (b) derived from proceeds obtained directly or indirectly as a result of the commission of the offense charged in the Indictment.

3. Based on Montoya-Amezcuca's guilty plea and admissions, Montoya-Amezcuca forfeits his interest in the \$84,525 and \$62,700 in United States currency pursuant to 21 U.S.C. § 853.

4. The government's Motion for Preliminary Order of Forfeiture is granted.

IT IS ORDERED:

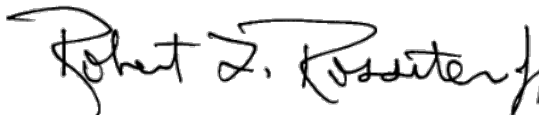
1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 38) is granted.
2. Based upon the Forfeiture Allegation of the Indictment (Filing No. 16) and Montoya-Amezcuca's guilty plea and admission, the government is hereby authorized to seize the \$84,525 and \$62,700 (totaling \$147,225) in United States currency.
3. Montoya-Amezcuca's interest in the \$84,525 and \$62,700 (totaling \$147,225) in United States currency is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The \$84,525 and \$62,700 (totaling \$147,225) in United States currency is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than Montoya-Amezcuca, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$84,525 and/or \$62,700 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$84,525 and/or \$62,700 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$84,525 and/or \$62,700

in United States currency as a substitute for published notice as to those persons so notified.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 13th day of December 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge